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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,193	10/31/2003	Davis-Dang Hoang Nhan	KCC 4984 (K-C 18,956)	3474
321	7590	11/21/2006	EXAMINER	
SENNIGER POWERS ONE METROPOLITAN SQUARE 16TH FLOOR ST LOUIS, MO 63102			HAND, MELANIE JO	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,193

Applicant(s)

NHAN ET AL.

Examiner

Melanie J. Hand

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 15, 16 and 22-29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments, see Remarks, filed September 15, 2006, with respect to the rejection(s) of claim(s) 1-14, 17 and 19-21 under 35 U.S.C. 102 and claim 18 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a newly found prior art reference.

Declaration under 37 C.F.R. 1.131

The declaration filed on September 15, 2006 under 37 CFR 1.131 is sufficient to overcome the Jiang reference with respect to the rejections of claims 1-4 and 17-21. Examiner maintains that Jiang is a proper prior art reference with respect to claims 5-14, as the declaration fails to overcome the priority date afforded to the subject matter taught by Jiang, and relied upon by Examiner for the rejections of claims 5-14, which properly claims benefit of provisional application 60/418,482, filed October 15, 2002.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasse et al (U.S. Patent No. 5,496,429).

With respect to **Claim 1**: Hasse teaches an absorbent article 20 comprising: a stretchable substrate 26 and an absorbent composite 28 comprising a layer of adhesive composition in contact with the stretchable substrate 26 and a layer of particulate superabsorbent material applied to and held by the adhesive composition, the absorbent composite 28 being secured to the substrate 26 by the adhesive composition. (Col. 20, lines 20-25)

With respect to **Claim 2**: Stretchable substrate 26 is a first stretchable substrate. Article 20 taught by Hasse further comprises a second stretchable substrate 24 in generally superposed relationship with the first stretchable substrate 26 whereby the absorbent composite 28 is disposed between said first and second stretchable substrates 26,24, respectively. (Col. 20, lines 63-65, Col. 21, lines 9-14)

With respect to **Claim 3**: The layer of adhesive composition taught by Hasse is a first layer of adhesive composition, the absorbent article 20 further comprising a second layer of adhesive composition applied to the layer of particulate superabsorbent material defining composite 28. (Col. 21, lines 9-14)

With respect to **Claim 4**: The stretchable substrate 26 is a first stretchable substrate, the absorbent article 20 further comprising a second stretchable substrate 24 in generally superposed relationship with the first stretchable substrate 26 and secured to the second layer of adhesive composition to thereby secure the absorbent composite 28 to said second stretchable substrate 24. (Col. 21, lines 9-14)

With respect to **Claim 17**: Absorbent composite 28 further comprises hydrophilic fibers. (Col. 19, lines 17-32)

With respect to **Claim 18**: Absorbent composite 28 has a width and a length (Fig. 2), said absorbent composite 28 having a non-uniform basis weight across at least a portion of at least one of the width and the length of said absorbent composite 28. (Col. 19, lines 29-32)

With respect to **Claim 19**: Stretchable substrate 26 is elastic. (Col. 20, lines 48-53)

With respect to **Claim 20**: Stretchable substrate 26 defines an outer cover of the absorbent article 20, the absorbent article 20 further comprising a liquid permeable liner 24 in generally superposed relationship with the outer cover and adapted for contiguous relationship with the wearer's skin, the absorbent composite 28 being disposed between the liner 24 and the outer cover. (Col. 20, lines 63-65, Col. 21, lines 9-14)

With respect to **Claim 21**: The layer of adhesive composition taught by Hasse is a first layer of adhesive composition and the layer of particulate superabsorbent material is a first layer of particulate superabsorbent material, the absorbent article 20 further comprising a second layer of adhesive composition applied to the first layer of particulate superabsorbent material (on its topsheet-facing side), a second layer of particulate superabsorbent material included as part of the absorbent composite 28 being applied to and held by the second layer of adhesive composition. (Col. 20, lines 20-25, Col. 21, lines 9-14)

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 5-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasse et al ('429) in view of Jiang et al ('614).

With respect to Claim 5: Hasse does not explicitly teach that the adhesive composition comprises a hot-melt adhesive. An absorbent article as set forth in claim 1 wherein the adhesive composition comprises a hot-melt adhesive. Jiang teaches an adhesive composition that is a hot melt adhesive. Jiang teaches that said hot-melt composition has a long opening time at processing temperature and faster set time at lower temperatures ('614, ¶ 0107) therefore it would be obvious to one of ordinary skill in the art to modify the article of Hasse by substituting said adhesive composition with a hot melt adhesive composition as taught by Jiang such that the adhesive sets quickly at room temperature.

With respect to **Claims 6-10**: Jiang teaches that the adhesive composition has a viscosity less than 8,000 mPa-s (8,000 cP) at 190 degrees Celsius, therefore the viscosity will also be less than 10,000 cP at 204 (claim 6), 149 (claim 7) and 121 degrees Celsius (claim 8). Thus the adhesive composition will also have a viscosity at 149 degrees Celsius that falls within the range set forth in claim 9. With respect to claim 10, Jiang teaches that the viscosity could be less than 6,000 mPa-s (cP) at 190 degrees Celsius, which would also be less than 6,000 cP at 149 degrees Celsius and therefore falls within the range set forth in claim 10

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With respect to **Claims 11-14**: Jiang teaches that the adhesive composition has a storage modulus of 0.001-1 Mpa ($10^5 - 10^7$ dynes/cm²) at 25 degrees Celsius.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie J. Hand whose telephone number is 571-272-6464. The examiner can normally be reached on Mon-Thurs 8:00-5:30, alternate Fridays 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Melanie J Hand
Examiner
Art Unit 3761

MJH

TATYANA ZALUKAEVA
SUPERVISORY EXAMINER

